

Town of Norwood Board of Trustees
Wednesday, April 13, 2011
Regular Session 7:00 p.m.
Norwood Community Center

Call to Order:

The meeting of the Norwood Town Board of Trustees of the Town of Norwood, San Miguel County, and State of Colorado was called to order by Mayor Kerry Welch and those being present were as follows: 7:07 p.m.

Present: Kerry Welch, Dave McFalls, Rich Sanchez, Sandra Esch, Kieffer Parrino.

Absent:

Others: Patti Grafmyer, Town Administrator, Tim Lippert, Public Works Director, Gretchen Wells, Town Clerk, Michael Wilkerson, Norwood Marshal, Brad Lasater, Ellen Metrick, Mike Grafmyer, Jim Wells, Deann Ilg, John Herndon, Candy Kjome.

Approval/Review of Consent Agenda:

Motion made by to Dave McFalls to approve the consent agenda, consisting of the minutes of March 9, 2011 and the April 2011 bills and accounts as presented. Rich Sanchez seconded the motion. *Motion passed.*

Public Comment:

Administrative Report:

Town Administrator Patti Grafmyer submitted a report and it is attached. **Motion** was made by Dave McFalls to proclaim May 1, 2011 thru May 7, 2011 Municipal Clerks Week and seconded by Rich Sanchez. *Motion passed.*

Family Dollar of Norwood, LLC Waiver for Maximum Sign Size:

Brad Lasater, representative from Family Dollar of Norwood, LLC based out of Atlanta, stated he was here on a sign variance. The sizes of the signs for the proposed store in Norwood are now 70% smaller than most Family Dollar signs are. The sign on the side of the building went from 230 sq ft to 75.5 sq ft and the pylon is now 50 sq ft instead of 75 sq. ft. He states Family Dollar of Norwood, LLC wants to work with the Town of Norwood. Sandra Esch had some concerns about changing the LUC. Her belief is that anytime you change the land use code, it should be a two step process. She is not concerned with the store itself, but with the process of approving the waiver. Esch stressed it is an issue that needs to be looked at with greater depth and it is in conflict with what we have in the Norwood LUC. Mayor Welch responded due to there not being a process in the LUC regarding a waiver, the decision would fall to the Town Board. Sanchez said with the reduction of the size of the signs that Family Dollar of Norwood, LLC was starting with, he thinks it is something to work with and doesn't think it should go to P&Z if our LUC states sign variances are to be taken care of with a waiver from the Board of Trustees. That is the way it should be done. Esch reiterated that land use code issues are not appropriate by waiver. She would really like to see this tabled to include

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the P&Z. McFalls feels like the LUC is just a beginning on dealing with things and issues have to be looked at on an individual basis. McFalls thinks this is very definitely a board decision. Parrino states he would like to see a Family Dollar store in Norwood and wants to know if the size of the signs is hard and fast for Family Dollar or will they still negotiate? He doesn't want to lock himself into a position tonight and wants to make sure the size is negotiable. He asked Esch how going to the P&Z would help this process. Lasater asked Esch which sign size offended her and offered to work with that issue with Family Dollar, LLC. Esch responded that changing the process to one meeting only to allow signs 6 times larger than what is currently allowed is offensive to her. Candy Kjome, a neighbor of Family Dollar says the signage isn't that much of an issue with her and her husband. She is worried about the brightness of the sign. She also worries about losing the uniqueness of Norwood. She then asked if all lights would go out at 9:00 p.m. Grafmyer said yes. Deann Ilg, a concerned Wright's Mesa resident, asked the difference between a waiver and variance. She believes this should be a variance instead of a waiver and wondered if a waiver is a legal agreement. Grafmyer said there was a variance process but sign size does not fit in to a variance process and our planner Amy Levek directed staff to bring it before the Board of Trustees. Ilg then asked if a waiver meant that the board would revisit it later and Welch responded again that this was the direction from the town planner. Ilg also asked if the requirements for signs had been adjusted by the Town Board since the Phillips 66 station in town had such a big sign. When the board answered no to that question, she asked if a variance had been issued for them as well. Welch responded that there were several signs in Norwood which were bigger than 20 sq. ft. and no variances had been issued. Sanchez said that this is just a waiver saying that 20 sq ft is too small. It is not saying that 200 sq ft is fine. Kjome then remarked that the LUC mentions the Board of Adjustments being brought in for variances and she asks if that is why this is a waiver instead of a variance, so the Board of Adjustments doesn't have to be brought in and Welch once again responds that according to the town planner this issue does not fall under a variance. Ilg stated since there is not a clear definition on a waiver, a vote should not be taken tonight. John Herndon, another Wright's Mesa resident stated he has been involved in planning processes for the last 20 years. He feels this is a fundamental issue. The Board of Trustees makes decisions for a mixed use neighborhood. He feels the main reason of a LUC is to offer consistency and assurance for citizens that their needs and concerns are being met with policies like land use codes. When you override with waivers and variances, it negates all of the above. He states the Board of Trustees should stick to the current sign code. He feels it improper for a governing board to offer such a glib waiver. Esch asked again why the decision had to be made tonight. The public has made a very good point. Esch said Mayor Welch was being inappropriate in not letting people discuss this issue more. Grafmyer said that Amy Levek told her when the sign size came up and it was also known there was going to be a waiver that goes to P&Z due to the alley access, was that the sign size must come before the Board of Trustees, not the P&Z Commission. **Motion** made by Dave McFalls to allow the Family Dollar of Norwood LLC, waive the sign size of 20 sq ft. Sanchez seconded but wants to amend the motion saying the sign on the building is not to exceed 75.5 sq ft and the pylon sign is not to exceed 50 sq ft and these signs can be smaller if Family Dollar LLC agrees. McFalls agrees to the amendment. Esch read a letter from

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Dennis Eyman and asked that it be entered in to public comment. It is attached. **Motion passed with a vote of 4 ayes and 1 no. Parrino, Sanchez, McFalls and Welch voted yes and Esch voted no.** Kjome stated she works at hardware store and has been in the hardware store business for years. But, she said our town needs businesses. She is very pro-business and wants to make sure it is regulated.

Approval of Liquor Store License Renewal for Joanne Roudebush dba Roudebush's Local Liquor @ 1235 Lucerne St.:

Town Clerk Gretchen Wells submitted a memo which stated there were no complaints of the business conduct of Roudebush's Local Liquor filed with the Town Clerk's office. Marshal Mike Wilkerson said he showed no complaints were filed also. Dave McFalls made a **motion** to approve the renewal of a liquor store license renewal for Joanne Roudebush dba Roudebush's Local @ 1235 Lucerne St. Rich Sanchez seconded. **Motion passed.**

Marshal's Report – Marshal Mike Wilkerson:

Marshal Wilkerson submitted a report for the month of March and it is attached. Dave McFalls made **motion** to give \$200 to juvenile diversion for a safe after prom party. Kieffer Parrino seconded. **Motion passed.** Wilkerson said he would like to address the issue of house numbers on the houses in town. He stated it was a safety issue for emergency calls and he would like the town to look in to grants to get numbers for town residents. He then reported he got sworn in as San Miguel Co. Sheriff Deputy so he could assist them and they will reciprocate by covering for him when he has time off.

Public Works Report – Public Works Director: Lippert reported the Public Works Department is gearing up for summer by patching potholes. He reported that SMPA still hasn't put up a street light yet on the corner of Spruce and Summit.

Special Committee Reports/Announcements:

Mayor's report: Kerry Welch had a handout and it is attached. It would direct Amy Levek to put in place a general waiver authority. **Motion** by Dave McFalls to start the process of a General Waiver Authority to allow the Board of Trustees, after prior public notice and hearing in accordance with the procedures, waive any substantive or procedural requirement of this Title as applied to a specific application. Sandra Esch seconded. **Motion passed.**

Adjourn:

Motion by Dave McFalls to adjourn the meeting at 8:25. Sandra Esch seconded. **Motion passed.**

APPROVED: ✓

APPROVED AS CORRECTED:

DATE: 5-11-11

Gretchen R. Wells